



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

Donna and Thomas Deloy,
Petitioners,

v.

Public Service Electric and Gas Company,
Respondent.

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ORDER ADOPTING
INITIAL DECISION

BPU DOCKET NO. EC18020160U
OAL DOCKET NO. PUC 05116-18

Parties of Record:

Donna and Thomas Deloy, Petitioners, pro se
Justin Incardone, Esq. and James T. Walsh, Esq., for respondent

BY THE BOARD:¹

PROCEDURAL HISTORY

By petition filed with the Board of Public Utilities ("Board") on February 15, 2018 ("Petition"), Donna and Thomas Deloy ("Petitioners" or "Mrs. and Mr. Deloy") disputed charges associated with service provided by Public Service Electric and Gas Company ("Respondent" or "PSE&G").

In their Petition, Petitioners stated that they were incorrectly billed by PSE&G.

PSE&G, in its answer filed March 20, 2018, denied the allegations that Petitioners were incorrectly billed. PSE&G contended that services were supplied and billed in accordance with the terms, conditions and rate schedules set forth in its Board-approved tariff. PSE&G requested that the relief sought be denied on the basis that Petitioner failed to set forth a claim upon which relief may be granted.

¹ Commissioner Robert M. Gordon recused himself due to a potential conflict of interest and as such took no part in the discussion or deliberation of this matter.

On April 9, 2018, the Board transferred the matter to the Office of Administrative Law for a hearing as a contested case pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq.

The case was assigned to Administrative Law Judge ("ALJ") Danielle Pasquale.

The parties subsequently voluntarily agreed to resolve the matter and entered into a signed Stipulation of Settlement ("Stipulation") that was submitted to the ALJ on August 9, 2018.

Pursuant to the terms of the Stipulation, and in order to fully resolve this matter, PSE&G, although not agreeing with the merits of the allegations expressed in the petition, and expressly denying any liability or wrongdoing, agrees to change the rate to residential service on account ending 1608 for the gas and electric meters retroactive to May 1, 2018. Mrs. and Mr. Deloy agreed and understand that no claims or grievances can be later adjudicated relating to the matters referenced in the petition. Mrs. and Mr. Deloy further agreed to take any and all measures necessary to effectuate the dismissal of the petition with prejudice, including contacting the OAL or Board if necessary to request dismissal of the petition. Mrs. and Mr. Deloy also agreed to pay their PSE&G bills on a timely basis as long as they remain customers of PSE&G.

In addition, Mrs. and Mr. Deloy agreed that if they no longer require service for this account, they will disclose to any future tenants in their lease that some of the electric and gas on this account supplies common areas. Mrs. and Mr. Deloy further agreed to have their electric meter removed and tested, if they so desire. Mrs. and Mr. Deloy also agreed to keep the settlement agreement confidential, and not to disclose its existence and or terms to anyone with the following exceptions: legal counsel, an immediate family member, a tenant at or subsequent owner of the premises, to personnel of the Board or OAL; and if Mrs. and Mr. Deloy are required to disclose this agreement by law.

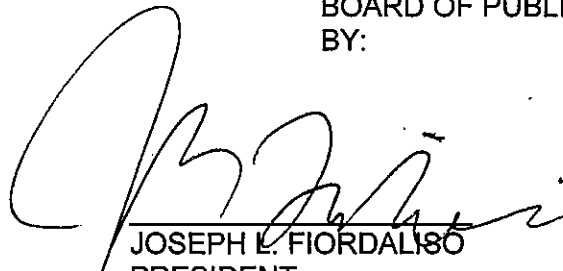
By Initial Decision issued on August 9, 2018, and submitted to the Board on August 16, 2018, ALJ Pasquale found that the Stipulation was voluntary, its terms fully disposed of all issues in controversy, it was consistent with the law, and that it satisfied the requirements of N.J.A.C. 17:27-19.1.


After review of the Initial Decision and the Stipulation, the Board **HEREBY FINDS** that the parties have voluntarily agreed to the settlement as evidenced by their signatures and that, by the terms of the Stipulation, they have fully resolved all outstanding contested issues in this matter. Accordingly, the Board **HEREBY ADOPTS** the Initial Decision and the Stipulation executed by the parties in their entirety as if fully set forth herein.


The effective date of this Order is September 27, 2018.

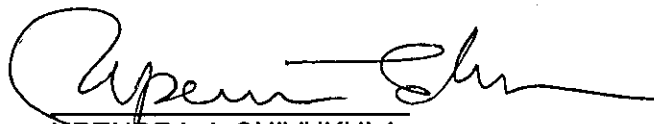
DATED: 9/17/18

BOARD OF PUBLIC UTILITIES
BY:

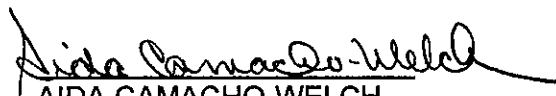

JOSEPH L. FIORDALISO
PRESIDENT


MARY-ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER


UPENDRA J. CHIVUKULA
COMMISSIONER

ATTEST:


AIDA CAMACHO-WELCH
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public Utilities.

DONNA AND THOMAS DELOY

V.

**PUBLIC SERVICE ELECTRIC AND GAS COMPANY
BPU DOCKET NO. EC18020160U
OAL DOCKET NO. PUC 05116-18**

SERVICE LIST

Donna and Thomas Deloy
243 Newark Avenue
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BOARD OF PUBLIC UTILITIES

AUG 16 2018

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

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CASE MANAGEMENT**

AUG 16 2018

**BOARD OF PUBLIC UTILITIES
TRENTON, NJ**

DONNA AND THOMAS DELOY,

Petitioners,

v.

PUBLIC SERVICE ELECTRIC & GAS,

Respondent.

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 05116-18

AGENCY DKT. NO. EC18020160U

Donna and Thomas Deloy, petitioners, pro se

Justin Incardone, Esq. and James T. Walsh, Esq., on behalf of respondent

Record Closed: August 9, 2018

Decided: August 14, 2018

BEFORE DANIELLE PASQUALE, ALJ:

On April 9, 2018, this matter was transmitted to the Office of Administrative Law (OAL) for hearing as a contested case pursuant to N.J.S.A. 52:14B-1 to-15 and N.J.S.A. 52:14F 1 to- 13. Telephone conferences were conducted on April 26, 2018, June 26, 2018 and August 10, 2018, during which time the parties agreed to settle the matter. The signed Settlement Agreement indicating the terms of settlement was signed by the parties and is attached and fully incorporated herein.

CMS
K. Graham
D. Thomas
E. Hartstiel
J. Ford
R. Lambert
R. Matos
K. Flynn
D. Brantle
B. Agre
C. Vachier

I have reviewed the record and terms of the Stipulation of Settlement and **FIND**:

1. The parties have voluntarily agreed to the settlement as evidenced by the signatures of the parties or their representatives.
2. The settlement fully disposes of all issues in controversy and is consistent with law.

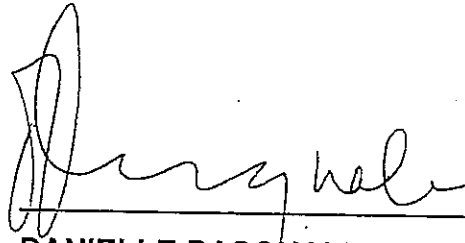
I **CONCLUDE** that the agreement meets the requirements of N.J.A.C. 1:1-19.1 and therefore, it is **ORDERED** that the parties comply with the settlement terms and that these proceedings be and are hereby concluded.

I hereby **FILE** my initial decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

This recommended decision may be adopted, modified or rejected by the **BOARD OF PUBLIC UTILITIES**, which by law is authorized to make a final decision in this matter. If the Board of Public Utilities does not adopt, modify or reject this decision within forty-five (45) days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

August 14, 2018

DATE



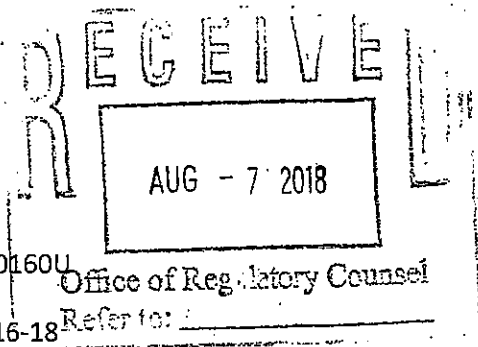
DANIELLE PASQUALE, ALJ

Date Received at Agency:

Date Mailed to Parties:

lr

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW



Donna and Thomas Deloy Petitioner.)

) BPU DOCKET NO. EC 18020160U

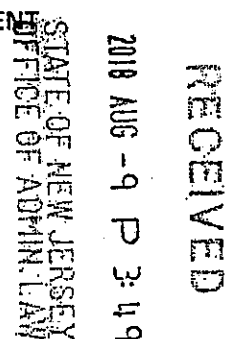
) OAL DOCKET NO. PUC05116-18

v.)

) STIPULATION OF SETTLEMENT

Public Service Electric & Gas Company)

Respondent.)



On or about February 22, 2018, Petitioner filed the above-referenced billing dispute (the "Petition"). Public Service Electric & Gas Company ("PSE&G" or "Respondent") filed an answer to the Petition and the New Jersey Board of Public Utilities ("NJBP" or "Board") transmitted the matter to the Office of Administrative Law ("OAL") as a contested case for adjudication.

In the interests of resolving this matter amicably and to avoid further delay and costs to petitioner and respondent (collectively, the "parties"), the parties hereto agree to settle this matter in accordance with the following terms:

1. Although not agreeing with the merits of the allegations expressed in the Petition, and expressly denying any liability or wrongdoing, PSE&G agrees to change the rate to residential service on PSE&G account ending 1608 at 241 Newark Avenue, Lyndhurst for the gas and electric meters retroactive to 5/1/18.
2. Petitioner agrees and understands that no claims or grievances can be later adjudicated relating to the matters referenced in the Petition. Petitioner further agrees to take any and all measures necessary to effectuate the dismissal of the Petition with prejudice, including contacting the OAL or Board if necessary to request dismissal with prejudice of the Petition.
3. Petitioner further agrees and understands that she must make timely payment of PSE&G monthly utility bills for utility service associated with her utility account so long as she remains a

PSE&G customer. In addition, Petitioner agrees that if she no longer requires service for this account, she will disclose to any future tenants in their lease that some of the electric and gas on this account supplies common areas. The owner and tenant will work out this arrangement as part of their lease agreement.

4. This agreement is in full settlement of the Petition filed by Petitioner on or about February 22, 2018.

5. Petitioner agrees to have the electric meter ending 2202 located at 241 Newark Ave. in Lyndhurst, NJ removed and tested, if she so desires. Petitioner is aware of New Jersey Administrative Code provision 14:3-4.5 that addresses meter tests at a customer's request via the customer contacting the Board.

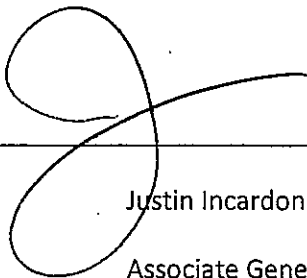
6. Petitioner agrees to keep this settlement agreement confidential, and not to disclose its existence or terms to anyone with the following exceptions: (1) legal counsel, for the sole purpose of obtaining legal advice related to this agreement; (2) an immediate family member (defined as petitioner's parent, spouse or child); (3) a tenant at or subsequent owner of the 241 Newark Avenue, Lyndhurst, NJ 07071; (4) to personnel of the Board or OAL; and (5) if petitioner is required to disclose this agreement by law.

7. The undersigned agree that this settlement contains mutually balancing and interdependent provisions and is intended to be accepted and approved in its entirety. In the event any particular aspect of this settlement is not accepted and approved by the Board or modified by the Board, the party that is adversely affected by the modification can either accept the modification or declare this settlement to be null and void, and the parties shall be placed in the same position that they were in immediately prior to its execution.

PSEG SERVICES CORPORATION

Attorneys for PSE&G

By: _____



Justin Incardone

Associate General Regulatory Counsel

DATED:

7/31/18

PUBLIC SERVICE ELECTRIC & GAS CO.

DATED: 7-31-18

By: James T Walsh

James T. Walsh

Senior Customer Relations Consultant

DATED: 8-2-18

By: Donna Deloy

Donna Deloy, Petitioner



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW
33 Washington Street
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(973) 648-6008
(973-648-6058)

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BOARD OF PUBLIC UTILITIES
TRENTON, NJ

Robert J. Giordano, ALJ &
Manager of Organizational Development

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CASE MANAGEMENT

AUG 16 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

NORTH

AUG 15 2018

Date _____

Re: Initial Decisions Sent to Agency

We are hereby forwarding to you the following decisions from the office of Administrative Law. Should a listed decision not be included in this batch, please Call 973-648-6008.

OAL Docket No. PUC 5116-18

Case Name

DONNA + THOMAS DEL.

Date: 9-15-15

Board of Public Utilities
44 South Clinton Avenue
Floor 10 East
Trenton, New Jersey 08625-0350

Board of Public Utilities